

# **EXHIBIT 8**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STAR AUTO SALES OF : Civil Action No.:  
BAYSIDE, INC. (d/b/a : 1:18-cv-05775-ERK-CLP  
STAR TOYOTA OF :  
BAYSIDE), STAR AUTO :  
SALES OF QUEENS, :  
LLC (d/b/a STAR :  
SUBARU), STAR HYUNDAI :  
LLC (d/b/a STAR :  
HYUNDAI), STAR NISSAN, :  
INC. (d/b/a STAR :  
NISSAN), METRO :  
CHRYSLER PLYMOUTH :  
INC. (d/b/a STAR :  
CHRYSLER JEEP DODGE), :  
STAR AUTO SALES OF :  
QUEENS COUNTY LLC :  
(d/b/a STAR FIAT) and :  
STAR AUTO SALES OF :  
QUEENS VILLAGE LLC :  
(d/b/a STAR :  
MITSUBISHI), :

Plaintiffs, :

vs. :

VOYNOW, BAYARD, WHYTE :  
AND COMPANY, LLP, HUGH :  
WHYTE, RANDALL FRANZEN :  
AND ROBERT SEIBEL, :

Defendants. :

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FRIDAY, FEBRUARY 3, 2023

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(Caption continued on page 2.)

Job No. CS5701935

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

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5 FRIDAY, FEBRUARY 3, 2023

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8 Oral Deposition of JACQUELINE CUTILLO, as  
9 corporate designee for Star Auto Sales of Queens, LLC  
10 d/b/a Star Subaru, taken at Marshall Dennehey, 2000  
11 Market Street, Suite 2300, Philadelphia, Pennsylvania,  
12 commencing at 9:05 a.m., before Lauren Sweeney, a Court  
13 Reporter and Notary Public.  
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JACQUELINE CUTILLO

Page 21

1           A. Off the top of my head I don't recall the name  
2 of the employee at Voynow.

3           Q. When did she question Voynow?

4           A. I believe 2013 or 2014, when it first started,  
5 when the first payment came in.

6           Q. So according to the Complaint, if the first  
7 payment came in around March of 2013, is it the company's  
8 contention that Gladys questioned somebody at Voynow in  
9 March of 2013?

10          A. When Voynow was at the office in or around that  
11 period of time. Voynow would go to our office multiple  
12 times a year to review our books and records. So at that  
13 point in time is when she would question them since they  
14 were printing all of the schedules and reviewing them.

15          Q. Did she question Voynow at the time she was  
16 making that entry or at some other time?

17          A. She questioned them when they came for their  
18 review, and she wanted to bring it to their attention  
19 because she was instructed to apply that payment by  
20 Vivian to that schedule.

21          Q. And was anyone else present when Gladys  
22 questioned whoever it was from Voynow about this?

23          A. I'm not aware.

24          Q. And what does the company contend that Voynow  
25 told Gladys?

JACQUELINE CUTILLO

Page 113

1 A. They reviewed the 1099s.

2 Q. What do you mean by that?

3 A. Voynow would come in four times a year, review  
4 our books and records, and reviewed the 1099s when they  
5 were generated. And since we received the letter from  
6 the IRS stating that the tax ID number did not match the  
7 1099 that was supplied for 2016, but the letter we  
8 received in 2018, Voynow should have noticed that 1099s  
9 were not accurately being done when they reviewed the  
10 1099s.

11 Q. Is there a paper file of 1099s that the company  
12 keeps?

13 A. What do you mean?

14 Q. You said that Voynow was receiving the 1099s  
15 allegedly.

16 MR. LABUDA: Objection.

17 BY MS. FITZGERALD:

18 Q. Is there a file of 1099s that the company keeps?

19 A. When Voynow would come in for their year-end  
20 work, they would review the 1099s.

21 Q. Again, is there a file of 1099s that the company  
22 keeps?

23 A. They keep it for a period of time.

24 Q. So for each tax year, does the company keep some  
25 sort of file for 1099s?